In the High Court of Uttaranchal, at Nainital.

Special Appeal No. 72/2004

Yusuf Ali ……Appellant.

Vs.

State of Uttaranchal and 2 others …… Respondents.

Sri Jitendra Chaudhary. Learned counsel for the appellant

Sri K.P. Upadhyaya, learned Brief Holder for the respondent

Coram: Hon'ble Irshad Hussain, J.
Hon'ble J.C.S. Rawat, J.

Dated: 5th November, 2004.

P.C.: Heard Sri Jitendra Chaudhary, learned counsel for the appellant and Sri K.P. Upadhyaya, learned Brief Holder for the respondent-State. We do not find any force in this special appeal.

The appellant-petitioner was posted as Assistant Registrar Qanoongo, Kashipur and when new Tehsil Jaspur was carved out, he was attached there to serve as Assistant Registrar Qanoongo. Now another incumbent Murari Lal has been posted and he has taken over charge as Registrar Qanoongo, Jaspur and the appellant-petitioner had been posted as Assistant Registrar Qanoongo, Tehsil Kashipur. Earlier the appellant was merely given additional charge on creation of new Tehsil of Jaspur as matter of administrative convenience and when a new incumbent had been posted in the new Tehsil, Jaspur the petitioner was naturally reverted to his original post of Assistant Registrar Qanoongo at Tehsil, Kashipur. There appear to be no illegality in the order passed in that regard. We also do not find any malafide in passing the said order whereby the appellant-petitioner had been retained at Tehsil Kashipur, which is less than 20 Kms. From Jaspur. The order passed by the learned Single Judge is perfectly justified.

Considering this, the special appeal is dismissed.

(J.C.S. Rawat, J.) **(Irshad Hussain, J.)**

ISB